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IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BROOKLYN OFFICE

PAULINE PIPITONE, as the Administrator of the
Estate of NICHOLAS GUIDO, Deceased, and
PAULINE PIPITONE, Individually,

Plaintiffs,

**STIPULATION AND
PROTECTIVE ORDER FOR
ATTORNEYS' EYES ONLY
DOCUMENTS**

-against-

06-CV-145 (DGT) (JMA)

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, STEPHEN CARACAPPA
(A retired member of the New York City Police
Department) and LOUIS EPPOLITO (A retired
member of the New York City Police Department),

Defendants

-----X
FRANCIS BISHOP, as Administratrix of the Estate of
JAMES BISHOP, deceased and FRANCES BISHOP,
individually,

Plaintiffs,

06-CV-2843 (DGT)(JMA)

-against-

THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPARTMENT, POLICE OFFICER
STEPHEN CARACAPPA, and POLICE OFFICER
LOUIS EPPOLITO,

Defendants.

-----X

----- x
SUSAN BORRIELLO, as Administratrix of the Estate
of BARTHOLOMEW BORRIELLO and SUSAN
BORRIELLO, individually,

06-CV-2954 (DGT)(JMA)

Plaintiffs,

-against-

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, STEPHEN CARACAPPA
(A retired member of the New York City Police
Department) and LOUIS EPPOLITO (A retired
member of the New York City Police Department),

Defendants.

----- x
MARY ANN DI LAPPI and SALVADOR DI LAPPI, as
Proposed Administrators of the Estate of ANTHONY
DI LAPPI, Deceased, and MARY ANN DI LAPPI and
SALVADOR DI LAPPI Individually,

06-CV-3101 (DGT)(JMA)

Plaintiffs,

-against-

THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPARTMENT, STEPHEN
CARACAPPA, and LOUIS EPPOLITO,

Defendants.

----- X

----- x
RACHEL LEAH GREENWALD, as Administrator of
the Estate of ISRAEL GREENWALD, Deceased, and
RACHEL LEAH GREENWALD, MICHAL
GREENWALD, and Yael GREENWALD,

06-CV-2864 (DGT)(JMA)

Plaintiffs,

-against-

THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPARTMENT, STEPHEN
CARACAPPA, and LOUIS EPPOLITO,

Defendants.

----- x
ANNA LINO, AS ADMINISTRATOR OF THE
ESTATE OF EDWARD LINO,

Plaintiffs,

06-CV-3591 (DGT)(JMA)

-against-

THE CITY OF NEW YORK, STEPHEN
CARACAPPA, and LOUIS EPPOLITO,

Defendants.

-----x

----- X
TINA MORRIS, as the Administratrix of the Estate of
JOHN OTTO HEIDEL, Deceased, and TINA
MORRIS, Individually,

07-CV-2189 (DGT)(JMA)

Plaintiff,

-against-

THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPARTMENT, STEPHEN
CARACAPPA, and LOUIS EPPOLITO,

Defendants.
----- X

WHEREAS, plaintiffs have requested that defendants City of New York and the New York City Police Department (hereinafter the "City defendants") provide information and disclose documents that the City defendants have received from the United States Attorney's Office, Eastern District of New York, related to the criminal prosecution of defendants Caracappa and Eppolito; and

WHEREAS, the City defendants deem some of these documents to be of a confidential and sensitive nature and to implicate the privacy interests of persons who are non-parties to this action; and

WHEREAS, the City defendants deem that production of such information should be for **ATTORNEYS' EYES ONLY** and should be disseminated only to plaintiffs' counsel and members of the staff of their law offices; and

WHEREAS, the City defendants object to the production of these documents unless appropriate protection for their confidentiality is assured;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for plaintiffs and the City defendants as follows:

1. As used herein, “Confidential Materials – Attorneys’ Eyes Only” shall mean the shall mean the information contained in the documents the City defendants have received from the United States Attorney’s Office, Eastern District of New York, related to the criminal prosecution of defendants Caracappa and Eppolito, that contains personal and confidential information about non-parties, except that such documents and information shall not be deemed “Confidential Materials – Attorneys’ Eyes Only” to the extent, and only to the extent, that they are (a) obtained by plaintiffs from sources other than defendant, or (b) are otherwise publicly available.

2. The City defendants shall designate in good faith particular documents “Confidential Materials – Attorneys’ Eyes Only” by labeling such documents “Confidential Materials – Attorneys’ Eyes Only” and/or by designating such documents by Bates Number in writing directed to plaintiffs’ counsel. The City defendants reserve the right to designate any documents “Confidential Materials – Attorneys’ Eyes Only” pursuant to this agreement if necessary after production of such documents to plaintiffs. If plaintiffs object to the designation of particular documents as “Confidential Materials – Attorneys’ Eyes Only” plaintiffs shall state such objection in writing to the City defendants, and the parties shall endeavor in good faith to resolve such objection. If such objection cannot be resolved, then the City defendants shall, within fifteen (15) days of receiving plaintiffs’ objections, move for an order approving such designation.

3. Plaintiffs’ attorneys shall not use the Confidential Materials for any purpose other than for the preparation or presentation of the cases entitled Pipitone, et al. v. City

of New York, et al., 06-CV-145 (DGT)(JMA); Bishop, et al. v. City of New York, et al., 06-CV-2843 (DGT)(JMA); Greenwald, et al. v. City of New York, et al., 06-CV-2864 (DGT)(JMA); Borriello, et al. v. City of New York, et al., 06-CV-2954 (DGT)(JMA); DiLapi, et al. v. City of New York, et al., 06-CV-3101 (DGT)(JMA); and Lino, et al. v. City of New York, et al., 06-CV-3591 (DGT)(JMA); Tina Morris, et al. v. City of New York, et al. 07-CV-2189 (DGT)(JMA) (“these actions.”).

4. Plaintiffs’ attorneys shall not disclose the “Confidential Materials – Attorneys’ Eyes Only” to plaintiffs or to anyone else who is not a member of the staff of their law offices. In the event a conflict arises between the parties as to whether plaintiffs may disclose the information or documents to a potential deponent, plaintiffs agree not to do so until such time that the parties can obtain a ruling from the Court in this regard.

5. Where any document containing the “Confidential Materials – Attorneys’ Eyes Only” is used or addressed in court submissions or produced at a trial on the merits in this matter, subject to due consideration of its admissibility to be made by the Court, the parties agree to use redacted copies of documents without further order of the Court.

6. Within 30 days after the termination of this case, including any appeals, the “Confidential Materials – Attorneys’ Eyes Only,” including all copies, and all nonconforming copies, notes, and other materials containing or referring to information derived there from, shall, upon the City defendants’ request, be returned to the defendants’ attorneys or, upon their consent, destroyed, and all persons who possessed such materials shall verify their return or destruction by affidavit furnished to the City defendants’ attorneys.

7. Nothing in this Stipulation and Protective Order shall be construed to limit the City defendants’ use of the Confidential Materials in any manner.

Dec-19-07 04:43P NYC Law Dept

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Received:

Dec 18 2007 11:57am

Dec-14-07 01:15P NYC Law Dept
Dec-14-07 03:40P NYC Law Dept
Dec 18 2007 5:13PM
Dec-18-07 05:13P NYC Law Dept

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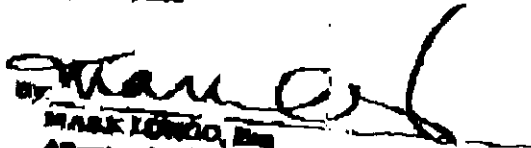
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8. The parties reserve their right to seek modification of this Preliminary Order by application to the Court for good cause shown at any time during the course of litigation.

Dated: New York, New York
Dec-18-2007

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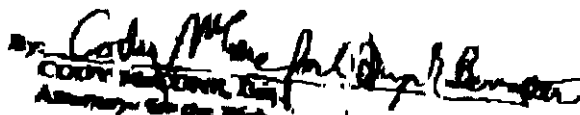
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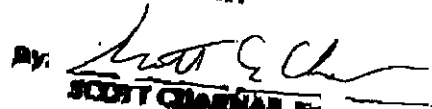
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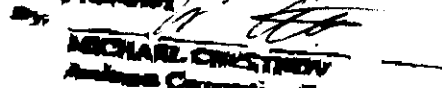
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P. 09

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SO ORDERED:

s/Joan M. Azrack
The Honorable Joan M. Azrack
United States Magistrate Judge

December 28, 2007
Brooklyn, NY